



**Attorney General
Justice
Office of the Minister**

PO Box 7, Halifax, Nova Scotia, Canada B3J 1T0 • Telephone 902 424-4044 Fax 902 424-0510 • novascotia.ca

February 4, 2022

Chief Robert Walsh
President of the Nova Scotia Chiefs of Police Association
Cape Breton Regional Police
865 Grand Lake Road
Sydney NS, B1P 6W2

Dear Chief Walsh:

Re: Anti-mandate Convoys, Protests and Blockades

A. Minister's Directions under *Emergency Management Act*

Recently, truck convoys and protest rallies against vaccine mandates and other public safety restrictions are being planned throughout the Province, including more urban areas like HRM. In response, the Minister of Municipal Affairs and Housing today issued the attached Direction (Ministerial Direction #22-003) to clearly capture municipally-owned streets and highways.

This Ministerial Direction is in addition to the existing Ministerial Direction #22-002 that contains provisions more targeted toward the Nova Scotia/New Brunswick border and the Cobequid Pass area.

As you are aware, blocking any road, street, or highway is already a violation of multiple Provincial statutes such as the *Motor Vehicle Act*, and the *Public Highways Act*, as well an offence under the *Criminal Code*. Section 1 of the Direction builds on these existing authorities as it prohibits the use of a vehicle or other item to partially or completely block vehicle traffic on any road, street or highway in the Province. It is not limited to specific locations and applies across the Province of Nova Scotia. Its inclusion permits the use of SOTs with increased out of court settlement amounts, as referenced as the minimum fines in the text of the Direction.

The SOT amounts for a violation of MD #22-002 or MD #22-003 are higher amounts than those typically available for SOTs for other s.23(b) offences. The increased amounts are:

\$3,000 for an individual, and
\$20,000 for a corporate offender.

The maximum amounts depicted on the Direction reflect the fine ranges in the *Emergency Management Act* itself and are available to a court to apply should a ticket be challenged. Ticketing by law enforcement can begin at the lowest level of the range and the higher amounts in the Direction are possible with a long form information.

B. Health Protect Act, Part 1, Order

In addition to the Directions, law enforcement can also still issue tickets for gathering limit violations of the *Health Protection Act* Order. Presently, those limits (for outdoor “informal gatherings” of the sort at issue here) are set at 10 people from a consistent social circle. Those restrictions are to be revisited on February 14, 2022.

The SOT amounts for a s.71 violation of failing to comply with an Order under the *Health Protection Act, Part 1*, are:

\$2,422.50 for an individual for a first offence, and
\$11,622.50 for a corporate offender for a first offence.

Sincerely,



Brad Johns
Minister of Justice & Attorney General

Cc. Municipal Chiefs of Police

Chris Leather, Acting Commanding Officer, RCMP “H” Division
Candace L. Thomas, Deputy Minister of Justice and Deputy Attorney General
Dana MacKenzie, Associate Deputy Minister of Justice
Hayley Crichton, Executive Director, Public Safety Division, Department of Justice

**Direction of the Minister under a
Declared State of Emergency**
(Section 14 of the *Emergency Management Act*)
(22-003)

During the Provincial State of Emergency declared Province-wide on March 22, 2020 by the Minister of Municipal Affairs and Housing, having satisfied myself that it is necessary for the protection of property and the health or safety of persons in the Province, and under the authority provided to me in Section 14 of the *Emergency Management Act*, including specifically under clause (d) to control or prohibit travel to or from an area or on a road, street or highway, I direct as follows:

ROAD BLOCKADE BAN

1. Effective **on and after February 4, 2022**, all persons are prohibited from stopping, parking, or operating a vehicle or putting any item in such a manner as to create or contribute to a partial or complete blockade of the normal flow of vehicle traffic on a road, street or highway in the Province, including municipal roads, streets and highways.
2. The prohibitions in Section 1 do not apply to
 - (i) Provincial or municipal workers, or the vehicles used while engaged in sanctioned highway maintenance and repairs, or
 - (ii) law enforcement officers while on duty.

This Direction is in addition to any requirements established in a Medical Officer's order under the *Health Protection Act*, and any other Directions issued under the *Emergency Management Act*.

A failure to comply with this Direction could result in a summary conviction with fines between \$3,000 to \$10,000 for individuals and between \$20,000 to \$100,000 for a corporation per incident.

This Direction will remain in place for the duration of the Provincial State of Emergency, including any renewal periods made by the Minister and approved by Governor in Council under Section 19 of the *Emergency Management Act*, unless it is terminated earlier in writing.

Dated February 4, 2022

ORIGINAL SIGNED BY:

Honourable John Lohr
Minister of Municipal Affairs and Housing